

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAMON JOHNSON,	:	Case No. 1:16-cv-503
	:	
Plaintiff,	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Stephanie K. Bowman
	:	
LINNEA MAHLMAN, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 13)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 15, 2016, submitted a Report and Recommendations. (Doc. 13). No objections were filed.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly, in accordance with this Court's June 22, 2016 Order (Doc. 10), except for Plaintiff's claims under 42 U.S.C. § 1983 for damages against Defendant Dillow in his individual capacity based on his alleged use of excessive force against

Plaintiff in a pepper-spraying incident that occurred on December 29, 2015 at SOCF and the alleged denial of medical care after the pepper-spraying incident, the amended complaint (Doc. 11) is **DISMISSED** for failure to state a claim upon which relief may be granted. Additionally, Defendant Mahlman is **DISMISSED** as a party to this action.

IT IS SO ORDERED.

Date:

8/2/16

Timothy S. Black
Timothy S. Black
United States District Judge